

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN JOHN BOHLINGER**, on January 7, 2003 at  
3:00 P.M., in Room 335 Capitol.

**ROLL CALL**

**Members Present:**

Sen. John Bohlinger, Chairman (R)  
Sen. John Esp, Vice Chairman (R)  
Sen. Brent R. Cromley (D)  
Sen. Kelly Gebhardt (R)  
Sen. Bill Glaser (R)  
Sen. Rick Laible (R)  
Sen. Jeff Mangan (D)  
Sen. Carolyn Squires (D)  
Sen. Mike Wheat (D)

**Members Excused:** Sen. Brent Cromley (R)  
Sen. Jim Elliot (D)

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Phoebe Olson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Senate Bill 33, 12/17/2002  
Executive Action: Senate Bill 33

**HEARING ON SB 33**

**Sponsor:** Senator John Cobb, SD 25, Augusta

**Proponents:**

**Ali Bovington, Department of Justice**

**Mona Jamison, American Promotional Enterprises**

**Mike Maeter, Big Sky Pyrotechnic Association**

**Opponents:**

**None**

**Opening Statement by Sponsor:**

**Senator John Cobb, SD 25, Augusta,** stated that SB 33 was to clarify that only permissible fireworks could be sold on the dates the law allowed fireworks to be sold. He stated that this bill was supposed to be included in the bill that was used to clean up past laws but was not drafted in time. He passed around **EXHIBIT(los02a01)** He asked the committee to look at statute 50-37-106 from 1999 it stated: No person, firm, or corporation may offer fireworks of any kind for sale at retail before June 24 and after July 5. The same statute from 2001 **EXHIBIT(los02a02)** changed the wording to: A person, firm, or corporation may offer fireworks of any kind for sale at retail only during the following periods: (1) June 24 through July 5; and (2) December 29 through December 31. He explained that this was not true, not any kind of fireworks were permissible for sale during those periods and the statute right above 50-37-106 defined what fireworks were allowed to be sold. He said it should be clarified that only permissible fireworks may be sold during those times. He asserted the bill was just a clean up bill, it was not intended to wipe out the sale of fireworks and with the amendment it was clear what permissible fireworks were. He said he was fine with **Senator John Esp's** amendment **EXHIBIT(los02a03)** because it would eliminate any confusion.

**Proponents' Testimony:**

**Ali Bovington, Department of Justice,** said she was in support of the bill. She stated the purpose of the bill was to restore it to it's 1999 state. She explained the housekeeping changes that were added to the bill in the 2001 session had the unintended effect of creating confusion about what type of fireworks could be sold in the state. She said this bill would simply clarify that it is only those permissible fireworks as defined by 50-37-105. She said the department had no objection to the amendment to clarify that only permissible fireworks from 50-37-105 could be sold.

**Mona Jamison, American promotional Enterprises,** said she represented people that made fireworks and stood in favor of the bill especially with the amendment added. She was pleased that it specifically referenced the section making it perfectly clear that the legislature had defined what was permissible as opposed to any agency. She reiterated they were in strong support of the bill with Senator Esps amendment.

**Mike Maeter, Big Sky Pyrotechnic Association,** said that as amended they were in support of the bill.

**Opponents' Testimony:**

None

**Questions from Committee Members and Responses:**

**SENATOR CAROLYN SQUIRES** asked to hear the amendment because she had been out of the room.

**SENATOR JOHN ESP** explained the amendment was being passed around.

**Closing by Sponsor:**

**Senator Cobb,** stated he had closed.

**EXECUTIVE ACTION ON SB 33**

**Motion/Vote:** SEN. JEFF MANGAN moved that AMENDMENT SB003301.alk DO PASS. Motion carried unanimously.

**Motion/Vote:** SEN. MANGAN moved that SB 33 DO PASS AS AMENDED. Motion carried unanimously. Senator Laible and Senator Cromley voted by proxy.

**ADJOURNMENT**

Adjournment: 3:30 P.M.

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SEN. JOHN C. BOHLINGER, Chairman

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PHOEBE OLSON, Secretary

JB/PO

**EXHIBIT** (los02aad)